

REMARKS

In response to applicant's Appeal Brief, the examiner has withdrawn the final rejection, conducted a new search, and has issued a new set of rejections. Claims 1-11 and 16-25 remain in the application including independent claims 1, 7, and 18. New claims 26-30 have been added. Claims 12-15 have been cancelled.

Please note that on June 3, 2004, applicant submitted an information disclosure statement pursuant to 37 CFR 1.97(e)(1). Applicant requests a copy of the initialed PTO-1449 form submitted therewith.

Also, please note that claim 6 does not currently stand rejected under any prior art. Thus, applicant asserts that claim 6 is allowable.

The amendments made to the claims are not related to any outstanding rejections or objections set forth in the subject official action. The claims have solely been amended to provide consistent terminology throughout the claims.

Claim 1-5 and 7-26 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the examiner objects to the phrase "wherein said second material is more conductive than said first material" because the term "more conductive" is a relative term. Claim 1 requires at least one of the stator and rotor bodies being formed of a first material and having a plurality of circumferentially spaced portions of a second material where the second material is more conductive than the first material. The term "conductive" is a term of art that is known by one of ordinary skill in the art and is clearly explained within the specification. The use of a relative relationship of conductivity between two materials is not indefinite, it is simply a broad use of terms. No correction or clarification is needed.

The examiner also objects to the phrase “conductive material form of plastic” because plastic is not conductive. First, applicant does not use the term “conductive material form of plastic.” What claim 2 states is that the “first material comprises a first plastic and said second material comprises a second plastic different than said first plastic.”

Second, plastics can be conductive, which is explained in the specification at paragraph [16], which gives one example of a plastic that includes iron powder, i.e. a ferro plastic. This is certainly a plastic that is conductive. Thus, the rejection is improper and should be withdrawn. For similar reasons the 35 U.S.C. 112, second paragraph, rejection for claims 7 and 18 is also improper and must be withdrawn.

Claims 1-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Johnston (US6232681). Claim 1 requires at least one of the stator and rotor bodies to be formed of a generally solid core of a first material and having a plurality of circumferentially spaced portions of a second material at an outer peripheral surface of the core with the second material comprising a conductive material deposited into the portions wherein the second material is more conductive than the first material.

The examiner argues that Johnston discloses a stator body with a solid core 22 formed of a first material with a plurality of circumferentially spaced portions 25 formed of a second material consisting of plastic at an outer peripheral surface and a conductive material 21 deposited between teeth 23. Applicant disagrees.

Johnston teaches a stator core 22 made from a powder magnetic material, and which includes a plurality of slots 25 that receive windings 21. A plurality of teeth 23 separate the slots 25. The windings 21 are formed from copper wire. The windings 21 are preformed and set into

a die cavity. The cavity is then filled with the powder magnetic material. The powder magnetic material is then compacted radially to form the stator core 22.

Thus, the “circumferentially spaced portions 25” that the examiner argues are formed of the second material are slots, i.e. open areas, and are not formed of any type of material, and certainly are not formed of a plastic as argued by the examiner. Further, as shown in Figure 2, the circumferentially spaced portions 25 are not formed at an outer peripheral surface of the core and are instead formed internal to, or inside of, the core. Thus, Johnston does not anticipate claim 1.

Johnston also does not disclose the features of claims 2-5. For example, claim 2 requires two different plastics. Johnston does not disclose the use of two different plastics in the configuration claimed by applicant. Johnston discloses a first plastic material that forms a core 22 and then uses a copper wire as the second material for the windings. Copper is not a plastic.

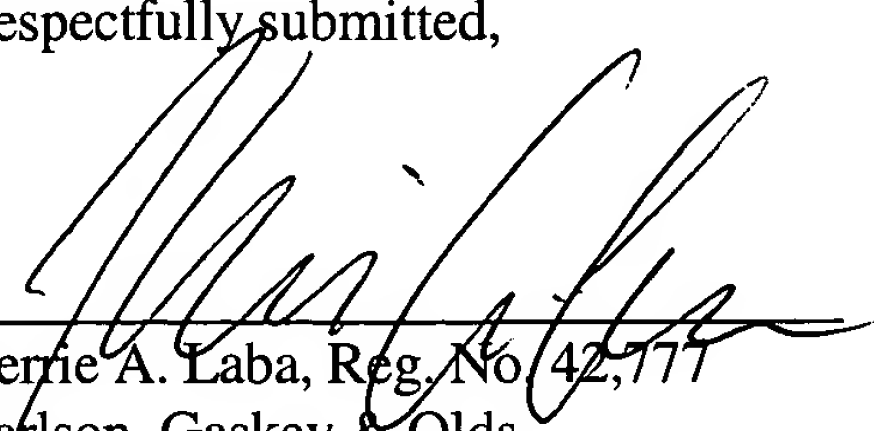
Also, for example, claim 3 requires that the first and second plastics be co-extruded. Johnston clearly does not teach this as Johnston is solely directed to radially compacting the core 22 within a die cavity.

Claims 7-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of Schmidt (US5517070). Claims 7 and 18 both require an AC motor. The examiner argues that Schmidt teaches the use of an AC motor. Applicant disagrees. Schmidt clearly teaches the use of a DC motor having a commutator 34 and brushes 9, 10. Thus, the references do not disclose, suggest, or teach the features set forth in the claims.

For the reasons set forth above, applicant believes that all claims are now in condition for allowance. An indication of such is requested. A check is enclosed to cover the cost of one

additional dependent claim. Applicant believes no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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Dated: September 28, 2004

CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of September, 2004.



Laura Combs